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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/782,754

02/12/2001

David Leigh Donoho

UNIV0001C

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12/13/2006

GLENN PATENT GROUP
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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/782,754		DONOHO ET AL.	
	Examiner		Art Unit	
	Mohammad A. Siddiqi		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination. Claims 15 and 16 have been withdrawn. Claims 17-22 are new.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, 5-6, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman et al. (6,594,692) (hereinafter Reisman).
4. As per claim 1, Reisman discloses a communications system, comprising:

an advice provider (special purpose server, col 9, lines 43-50; col 26, lines 20-44) which broadcasts (broadcast information distribution system, col 26, lines 20-44) information over a communications medium to a plurality of advice consumers (col 26, lines 20-44), irrespective of actual relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said plurality of advice consumers (recipient communication devices, col 26, lines 20-44); said broadcast information comprising a relevance clause comprising criteria defined by said advice provider wherein said information is potentially relevant to recipient (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**");

an advice consumer of said plurality of advice consumers for gathering (gathering is interpreted as receiving information, col 26, lines 20-44) said broadcast information from said communications medium (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-44); and

a reader associated with said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for automatically determining relevance ("**Receipt of broadcast data**: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled**.", col 26, lines 20-44) of said gathered broadcast information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, Please see Summary of the Invention), wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader ("data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled**.", col 26, lines 20-45, please see Summary of Invention);

wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information (watch for receipt

object, col 26, lines 20–44) is determined to be relevant by said reader (recipient communication devices are **tuned to identify** and receive from the broadcast specific data elements to which they are entitled anticipates predetermined relevance criteria, col 26, lines 20-45, “A modified setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary storage.”).

5. As per claim 3, Reisman discloses wherein relevance of said information to said advice consumer is based upon any of the properties of an advice consumer's computer, said computer's contents or state, or the properties of a local environment associated with said computer (subscription delivery, col 26, lines 45-63).

6. As per claim 5, Reisman discloses wherein said information being broadcast may consist of any of humanly interpretable content, data, or software tools (subscription delivery, col 26, lines 45-63; col 38, lines 28-55).

7. As per claim 6, Reisman discloses wherein said advice provider specifies an audience for whom said information is potentially relevant by referring to properties of an advice consumer which are used to determine the relevance of said information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, subscription delivery).

8. As per claim 17, Reisman discloses wherein said automatic evaluation of said relevance clause by said reader comprises a parsing said relevance clause into any of a tree of subexpressions and a method dispatch for invoking an inspector (the process of retrieving relevant files requires parsing, col 12, lines 28-56).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4, 7-14, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman et al. (6,594,692) (hereinafter Reisman) in view of Cheng et al. (6,151,643) (hereinafter Cheng).

11. As per claim 2, Reisman does not explicitly disclose means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider.

However, Cheng discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng and Reisman. The motivation (col 47, lines 50-63) would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

12. As per claim 4, the claim is rejected for the same reasons as claim 2, above. In addition, Cheng discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col 21, lines 45-60; col 7, lines 45-67).

13. As per claim 7, Riesman discloses a communication method and system, comprising the step of:

preparing a message at an advice provider (data objects, col 26, lines 20-31);

providing a relevance clause associated with said message at said advice provider, said relevance clause comprising conditions under which said message is potentially relevant to potential advice consumers (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data elements to which they are entitled.**");

broadcasting said message with said relevance clause to potential advice consumer anonymously (col 47, lines 50-54, lines 62-63; col 60, lines 45-48, service-for-free) using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server);

receiving said broadcast message to said potential advice consumers (col 26, lines 20-46);

storing said received broadcast message at an advice consumer location (col 26, lines 20-45); and

automatically determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer ((**Receipt of broadcast data**: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data elements to which they are entitled.**", col 26, lines 20-45);

wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause at said advice consumer (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data elements to which they are entitled.**").

Although Reisman discloses system of broadcasting information and users are tuned to process relevant information by hiding information

(firewall proxy servers, redirection). Riesman does not specifically states wherein said message is broadcast to advice consumer to whom said message is potentially relevant without requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers;

However, Cheng discloses message is broadcast to advice consumer to whom said message is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng and Reisman. The motivation (col 47, lines 50-63) would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

14. As per claim 8, claim is rejected for the same reasons as claim 7, above. In addition, Reisman discloses communications protocol for narrowly-focused (fetch -send protocol, 22, fig 1) targeting of said received advisories to said advice consumer automatically matching said received advisories at said advice consumer for whom said received advisories are

potentially relevant (tuned is interpreted as relevance, identifying specific is interpreted as automatically matching, col 26, lines 22-44).

15. As per claim 9, Reisman discloses an advice reader associated with an advice consumer computer for performing relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

16. As per claim 10, Reisman discloses wherein relevance determination is automatically performed based on a combination of conditions, including any of hardware attributes, configuration attributes, database attributes, environmental attributes, computed attributes, remote attributes, timeliness, personal attributes, randomization, and advice attributes (col 26, lines 20-45).

17. As per claim 11, Reisman discloses wherein said advice reader operates automatically to determine relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

18. As per claim 12, the claim is rejected for the same reasons as claim 7, above. In addition, Cheng discloses a gatherer for gathering advisories to which said advice consumer subscribers col 7, lines 12-45; col 6, lines 31-50);

a subscription manager for entering subscriptions to advisories based on information in at least one advice consumer site definition file (col 7, lines 12-45; col 6, lines 31-50; col 10, lines 25-32);

an unwrapper for parsing said advisories (fig 9-10);

a module for determining the relevance of said advisories, said determination being made either continuously, at scheduled intervals, or under user manual control (col 3, lines 25-39);

a user interface that receives relevant advisories (fig 9 and 13a); and

a display and management system that displays relevant advisories for inspection by said advice consumer (fig 9 and fig 13a).

19. As per claim 13, Reisman discloses wherein any information that is actually on an advice consumer computer or reachable from said advice consumer computer may be used to determine relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

20. As per claim 14, Reisman discloses digital documents which contain an explanatory component describing in terms said advice consumer can easily understand the reason that said advisory is relevant and the purpose and effects of the action which is being recommended to said advice consumer (col 2, lines 20-64).

21. As per claim 18, the claim is rejected for the same reasons as claim 7 above. In addition Reisman discloses wherein said conditions refer to attributes associated with said potential advice consumers (col 6, lines 7-38; col 7, lines 9-21).

22. As per claim 19, the claim is rejected for the same reasons as claim 7 above. In addition Reisman discloses wherein said determined relevance is based on any of properties of an advice consumer computer, contents of said advice consumer computer, a state of said advice consumer computer, and properties of a local environment associated with said advice consumer computer (subscription delivery, col 26, lines 45-63).

23. As per claims 20 and 22, claims are rejected for the same reasons as claim 7 above. In addition Reisman discloses automatic evaluation of said relevance clause at said advice consumer comprises parsing said relevance

clause into any of a tree of subexpressions and a method dispatch for invoking an inspector (the process of retrieving relevant files requires parsing, col 12, lines 28-56).

24. As per claim 21, the claim is rejected for the same reasons as claim 7 above. In addition Reisman discloses wherein said subexpressions are evaluated (the process of retrieving relevant files requires evaluation, col 12, lines 28-56).

Response to Arguments

25. Applicant's arguments filed 09/27/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-14 is maintained.

26. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. The Examiner takes note

the above Applicant's remark; however, Applicant's remark could not be imported into the claim.

27. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

28. In the remarks applicants argued that:

Argument: Reisman fails to disclose a communications system, comprising: an advice provider which broadcasts information over a communications medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers; said broadcast information comprising a relevance clause comprising criteria defined by said advice provider wherein said information is potentially relevant to recipient; an advice consumer of said plurality of advice consumers for gathering said broadcast information from said

communications medium; and a reader associated with said advice consumer for automatically determining relevance of said gathered broadcast information to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader; wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information is determined to be relevant by said reader (remarks page 7).

Response: Reisman discloses a communications system, comprising: an advice provider (special purpose server, col 9, lines 43-50; col 26, lines 20-44) which broadcasts (broadcast information distribution system, col 26, lines 20-44) information over a communications medium to a plurality of advice consumers (col 26, lines 20-44), irrespective of actual relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said plurality of advice consumers (recipient communication devices, col 26, lines 20-44); said broadcast information comprising a relevance clause comprising criteria defined by said advice provider wherein said information is potentially relevant to recipient (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects

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are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**"); an advice consumer of said plurality of advice consumers for gathering (gathering is interpreted as receiving information, col 26, lines 20-44) said broadcast information from said communications medium (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-44); and a reader associated with said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for automatically determining relevance ("**Receipt of broadcast data**: As an alternative to modem-based wire line or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**", col 26, lines 20-44) of said gathered broadcast information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, Please see Summary of the Invention), wherein said determined relevance is

at least partially based on an automatic evaluation of said relevance clause by said reader ("data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**", col 26, lines 20-45, please see Summary of Invention); wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information (watch for receipt object, col 26, lines 20-44) is determined to be relevant by said reader (recipient communication devices are **tuned to identify** and receive from the broadcast specific data elements to which they are entitled anticipates predetermined relevance criteria, col 26, lines 20-45, "A modified setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary storage.").

Argument: Reisman fails to disclose message is broadcast to advice consumer to whom it is potentially relevant without requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumer.

Response: Cheng discloses message is broadcast to advice consumer to whom it is potentially relevant without (102, fig 1, col 2, lines 61-67)

requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

29. In response to Applicant's arguments **against the references individually**, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, preparing a

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message at an advice provider (data objects, col 26, lines 20-31); providing a relevance clause associated with said message at said advice provider, said relevance clause comprising conditions under which said message is potentially relevant to potential advice consumers (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled**."); broadcasting said message with said relevance clause to potential advice consumer anonymously (col 47, lines 50-54, lines 62-63; col 60, lines 45-48, service-for-free) using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server); receiving said broadcast message to said potential advice consumers (col 26, lines 20-46); storing said received broadcast message at an advice consumer location (col 26, lines 20-45); and automatically determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer ("**Receipt of broadcast data**: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast

information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**", col 26, lines 20-45); wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause at said advice consumer (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled.**"). Cheng discloses message is broadcast to advice consumer to whom said message is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng and Reisman. The motivation (col 47, lines 50-63) would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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